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SEAN A. LINCOLN (State Bar No. 136387)
salincoln@orrick.com
I. NEEL CHATTERJEE (State Bar No. 173985)
nchatterjee@orrick.com
MONTE COOPER (State Bar No. 196746)
mcooper@orrick.com
THERESA A. SUTTON (State Bar No. 211857)
tsutton@orrick.com
YVONNE P. GREER (State Bar No. 214072)
ygreer@orrick.com
ORRICK, HERRINGTON & SUTCLIFFE LLP
1000 Marsh Road
Menlo Park, CA 94025
Telephone: 650-614-7400
Facsimile: 650-614-7401

Attorneys for Plaintiffs
THE FACEBOOK, INC. and MARK ZUCKERBERG

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

THE FACEBOOK, INC. and MARK ZUCKERBERG, Plaintiffs, v. CONNECTU, INC. (formerly known as CONNECTU, LLC), PACIFIC NORTHWEST SOFTWARE, INC., WINSTON WILLIAMS, WAYNE CHANG, and DAVID GUCWA, Defendants.	Case No. 5:07-CV-01389-RS **PLAINTIFFS' MOTION TO SEAL PORTIONS OF THEIR MOTION TO COMPEL COMPLIANCE BY DEFENDANTS PACIFIC NORTHWEST SOFTWARE AND WINSTON WILLIAMS WITH ORDER GRANTING MOTION TO COMPEL SUPPLEMENTAL INTERROGATORY RESPONSES; AND EXHIBITS 3-6, 9 AND 11-13 TO THE DECLARATION OF MONTE M.F. COOPER IN SUPPORT THEREOF; AND THE DECLARATION OF CHRIS SHIFLETT IN SUPPORT THEREOF INCLUDING EXHIBITS 1, 1A, 2-3** Date: February 27, 2008 Time: 9:30 A.M. Judge: Honorable Richard Seeborg

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Pursuant to Civil L.R. 7-11 and 79-5 (d), Plaintiffs respectfully submit this motion asking the Court to file under seal their Motion to Compel Compliance By Defendants Pacific Northwest Software and Winston Williams With Order Granting Motion to Compel Supplemental Interrogatory Responses ("Motion to Compel"); Exhibits 3-6, 9, and 11-13 to the Declaration of Monte M.F. Cooper in support of Plaintiffs' Motion to Compel ("Cooper Declaration"); and the Declaration of Chris Shiflett in support of the Motion to Compel (including the attached exhibits 1, 1A, 2 & 3) ("Shiflett Declaration")

The parties entered into, and the California Superior Court issued, a Stipulated Protective Order on January 23, 2006, which prohibits either party from filing in the public record any documents that have been designated as "Confidential" or "Highly Confidential" pursuant to the Protective Order.[1] In addition, Plaintiffs and ConnectU entered into, and the Court in the related action *ConnectU, LLC v. Zuckerberg et al*, Civil Action No. 1:04-cv-11923, United States District Court, District of Massachusetts. issued, a Stipulated Protective Order on July 6, 2005, which prohibits either party from filing in the public record any documents that have been designated as "Confidential" pursuant to the Protective Order.

Portions of the Motion to Compel contain discussions about the confidential materials filed in support of the Motion, including ConnectU's source code. This information was marked Highly Confidential pursuant to the Stipulated Protective Order, and therefore is subject to Local Civil Rule 79-5(d).

Exhibit 3 to the Cooper Declaration is a true and correct copy of excerpts from the January 29, 2007 Deposition of Pacific Northwest Software. The deposition was marked Highly Confidential pursuant to the Stipulated Protective Order, and therefore is subject to Local Civil Rule 79-5(d).

Exhibit 4 to the Cooper Declaration is a true and correct copy of excerpts from the June 12, 2007 deposition of Pacific Northwest Software. The deposition was marked Highly Confidential pursuant to the Stipulated Protective Order, and therefore is subject to Local Civil

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[1] The parties are currently preparing a new Stipulated Protective Order pursuant to this Court's instructions at the January 16, 2008, Case Management Conference.

Rule 79-5(d).

Exhibit 5 to the Cooper Declaration is a true and correct copy of documents Bates labeled CUCA02976-77. These documents were marked Highly Confidential pursuant to the Stipulated Protective Order, and therefore are subject to Local Civil Rule 79-5(d).

Exhibit 6 to the Cooper Declaration is a true and correct copy of excerpts from the January 16, 2006 deposition of ConnectU. The deposition was marked Highly Confidential pursuant to the Stipulated Protective Order, and therefore is subject to Local Civil Rule 79-5(d).

Exhibit 9 to the Cooper Declaration is a true and correct copy of excerpts from the June 19, 2007 deposition of Winston Williams. The deposition was marked Highly Confidential pursuant to the Stipulated Protective Order, and therefore is subject to Local Civil Rule 79-5(d).

Exhibit 11 to the Cooper Declaration is a true and correct copy of a documents Bates labeled PNS0320945. These documents were marked Highly Confidential pursuant to the Stipulated Protective Order, and therefore are subject to Local Civil Rule 79-5(d).

Exhibit 12 to the Cooper Declaration is a true and correct copy of documents Bates labeled PNS0002119. These documents were marked Highly Confidential pursuant to the Stipulated Protective Order, and therefore are subject to Local Civil Rule 79-5(d).

Exhibit 13 to the Cooper Declaration is a true and correct copy of documents Bates labeled PNS01766 - 77. These documents were marked Highly Confidential pursuant to the Stipulated Protective Order, and therefore are subject to Local Civil Rule 79-5(d).

The **Shiflett Delcaration** contains discussions about the confidential materials filed in support of the Motion, including ConnectU's source code.

Exhibit 1 to the Shiflett Declaration is a true and correct copy of source code produced by Pacific Northwest Software at Bates numbers PNS 0269645 – PNS 0269840, PNS 0037449 – PNS 0037454, PNS 0320971 – PNS 0320973, PNS 0281455 – PNS 0281458, PNS 0281469 – PNS 0281473, and PNS 0310219 – PNS 0310221. These documents were marked Highly Confidential pursuant to the Stipulated Protective Order, and therefore are subject to Local Civil Rule 79-5(d).

Exhibit 1A to the Shiflett Declaration is a true and correct copy of source code produced by Pacific Northwest Software at Bates numbers PNS 0269645, PNS 0269805 – PNS 0269807, and PNS 0269832 – PNS 0269840. These documents were marked Highly Confidential pursuant to the Stipulated Protective Order, and therefore are subject to Local Civil Rule 79-5(d).

Exhibit 2 to the Shiflett Declaration is a true and correct copy of documents produced by ConnectU and Pacific Northwest Software at Bates numbers CUCA 02972, PNS 0002096, PNS 0310177 – PNS 0310179, PNS 0310185 – PNS 0310186, PNS 0310222 – PNS 0310223, PNS 0310455, PNS 0312063, PNS 0312353, PNS 0312717, PNS 0313436. These documents were marked Highly Confidential pursuant to the Stipulated Protective Order, and therefore are subject to Local Civil Rule 79-5(d).

Exhibit 3 to the Shiflett Declaration is a true and correct copy of documents produced by Pacific Northwest Software at Bates numbers PNS 000440, PNS 000443, PNS 000882, and PNS 000883 – PNS 000884. These documents were marked Highly Confidential pursuant to the Stipulated Protective Order, and therefore are subject to Local Civil Rule 79-5(d).

Dated: January 23, 2008

ORRICK, HERRINGTON & SUTCLIFFE LLP

/s/ Monte M.F. Cooper /s/

Monte M.F. Cooper
Attorneys for Plaintiffs
THE FACEBOOK, INC. and MARK ZUCKERBERG

CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on January 23, 2008.

Dated: January 23, 2008

Respectfully submitted,

/s/ Monte M.F. Cooper /s/

Monte M.F. Cooper